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Legality of the Organization Contemplated by SWNCC 304/6

Air Judge Advocate
Attn: Lt. Col. Munter

5 April 1948

Psychological Warfare Division, D/PGO

(Col. Rich/ah/711-7)

1. The State-Army-Navy-Air Force Coordinating Committee on 4 January 1948 approved SWNCC 304/6 (Incl 1) which establishes a National Psychological Warfare Organization in time of war or threat of war as determined by the President (Par. 5, Page 45). It provides for certain powers for the Director of this organization (Par. 5b(3)) and certain authority for the organization by Executive Order or under law (Par 5c). It is requested that you advise this office as to the necessary measures which must be taken to legalize this action. Specifically, an opinion is requested relative to the following question:

a. Is there any necessity for Congressional legislation to establish this organization, or can this organization with all its appendages be legally established by Executive Order by the President?

2. If legislation is necessary, it is requested that you furnish an outline draft of such legislation.

3. If an Executive Order is all that is required, it is requested that you provide a draft of such an Order.

1 Incl
SWNCC 304/6

/s/ C. K. RICH
Colonel, USAF
Chief, PW Division

COORDINATION

Mr. Col Munter, Office of Air Judge
Advocate

OSD REVIEW COMPLETED

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Executive Order # _____

Psychological Warfare Organisation

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 14, 1941 (55 Stat. 838), and by Title I, National Security Act of 1947, approved July 26, 1947 (61 Stat. 497), and as President of the United States and Commander-in-Chief of the Armed Forces of the United States, and in order to provide for authoritative coordination and unified direction of national psychological warfare activities, it is hereby ordered as follows:

1. There is established under the National Security Council a Psychological Warfare Organization (hereinafter called the Organization) which shall be under the direction of a Director of Psychological Warfare (hereinafter referred to as Director), to be appointed by the President from civilian life or from commissioned officers of the Armed Services. It shall be the duty of the heads of each Executive department or agency of the Government, upon request of the Director, to give access to and provide the Organization with such intelligence and data as relates to psychological warfare and as may be essential to the accomplishment of the functions and duties of the Director hereinafter set forth.
2. There is established in the Psychological Warfare Organization the Psychological Warfare Policy and Planning Board (hereinafter called the Board), of which the Director shall be the Chairman and with which he shall constantly consult. The Board shall consist, in addition to the Director, of a representative of the Joint Chiefs of Staff appointed by the Joint Chiefs of Staff, representatives of the Departments of State, Army, Navy, and Air Force appointed by the respective heads of such Departments, of a representative of the Central Intelligence Agency appointed by the Director thereof, and of representatives

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of such other Government departments, agencies, or boards as the Director may deem appropriate. The representatives chosen by the heads of the respective departments, agencies, or boards shall possess the qualifications and hold official positions which by their nature would warrant their participation on the Board both as individuals and as representatives of their respective organizations.

3. a. Acting in consultation with the Board and subject to the approval and strategic guidance of the National Security Council, the Director shall perform the following functions and duties:

- (1) Plan, develop, direct, control, and coordinate all psychological warfare activities;
- (2) Coordinate the war informational activities of all Federal Departments and agencies;
- (3) Formulate and carry out, through the use of the press, radio, motion picture, and other facilities, information programs designed to facilitate the development of an informed and intelligent understanding, at home and abroad, of the status and progress of any war effort in which the United States may be engaged and of the war policies, activities, and aims of the United States Government;
- (4) Provide for the internal management and organization of the organization in such manner as he may determine.

b. The Director shall utilize established agencies to the extent that he may deem practicable to perform the foregoing functions and duties.

c. Within the limits of such funds as may be made available to the Organization, the Director may employ necessary personnel and make provision for the necessary supplies, facilities, and services.

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Psychological Warfare Division, D/P&O

16 April 1948

Office of the Air Judge Advocate

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Maj. Sharp/ans/532

This Office is of the opinion that action by Congress is not necessary to accomplish the objectives set out in attached SWSOC Memorandum 304/6. There is attached a draft of an Executive Order (Inlosure 2) which is submitted for your consideration and study, which is believed will accomplish these objectives. It may be noted, however, that if it be desired that the Director receive an amount of pay greater than he is allowed administratively under present law, an Act of Congress would be necessary.

/s/ DESMOND O'KEEFE

Colonel, USAF

The Air Judge Advocate

2 Incls:

Incl. 1: a/c

Incl. 2: Draft - E.O.

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